

**OFFICIAL INFORMATION\*\*CONFIDENTIAL\*\*EVIDENCE CODE SECTION 1040  
INTRADEPARTMENTAL CORRESPONDENCE**

DATE: April 8, 2020

TO: Honorable Board of Police Commissioners

FROM: Inspector General

SUBJECT: NON-TACTICAL UNINTENTIONAL DISCHARGE 022-19 FOR 4/21/20  
CLOSED-SESSION AGENDA

<u>Division</u>	<u>Date</u>	<u>Time</u>	<u>Duty-On ( ) Off (X)</u>	<u>Uniform-Yes ( ) No (X)</u>
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West Valley	5/27/19	9:00 p.m.		
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<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
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Hazelton, P./PO II	3 years, 2 months
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Total Involved Officer(s)

1 x PO II

<u>Suspect</u>	<u>Deceased ( )</u>	<u>Wounded ( )</u>	<u>Non-Hit ( )</u>
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Does not apply.

**COP Recommendations**

**Tactics** – Tactical Debrief, Officer Hazelton.

**Drawing/Exhibiting** – Does not apply.

**Unintentional Discharge** – Administrative Disapproval, Negligent Discharge, Officer Hazelton.

**IG Recommendations**

**Tactics** – Same as COP.

**Drawing/Exhibiting** – Does not apply.

**Unintentional Discharge** – Same as COP.

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## **INVESTIGATION**

### **Annotated Force Investigation Division (FID) Incident Summary<sup>1</sup>**

#### **Investigative Summary**

On May 27, 2019, at approximately 2100 hours, Police Officer Phillip Hazelton, Serial No. 42465, Hollywood Division, was off duty, in his residence, when he had a Non-Tactical Unintentional Discharge with his firearm.

According to Hazelton, he and his fiancée, Kuem Lee, had been home all day watching television. They got up to go to the store and Hazelton secured his off-duty weapon inside his waistband, with a Department approved holster. When they returned home from the store, Hazelton removed his holstered weapon and put it down on the table next to the door. Hazelton then picked up the holstered weapon with his left hand, and with his right hand, he began to pull the weapon out of the holster so he could clean it. As he was doing this, his right index finger slipped into the trigger guard and pulled the trigger. This caused the weapon to discharge into the front door.

Immediately following the discharge of the weapon, Hazelton notified Hollywood Watch Commander, Lieutenant I Karen Leong, Serial No. 33563. Hazelton then contacted his neighbor in Unit 208, Witness Joanne Lee, and verified that no one had been injured by the bullet. Hazelton called 9-1-1 and notified Communications Division that he was an off-duty officer and that an "accidental" discharge had occurred.

According to Hazelton's fiancée, Kuem Lee, they had been home all day watching television because she was not feeling well due to the fact that she is 9 weeks pregnant. They went to Ralphs Grocery Store at around 8:30 PM and they returned home at around 9:00 PM. Kuem Lee ran to the back bathroom because she felt like she needed to vomit. Kuem Lee heard the gun go off and she ran out at which time she saw Hazelton standing by the door panicking. According to Kuem Lee, Hazelton told her that he accidentally fired a gunshot after which he opened the door and checked on the neighbors. Kuem Lee further indicated that Hazelton had not had anything to drink prior to the incident and that they had been getting along fine all day.

According to witness Joanne Lee, she was in unit 208 cooking dinner. Joanne Lee indicated that she was in the kitchen, and her husband, Jude Lee, was in a back room. Joanne Lee heard a loud bang and thought that something might have fallen. She believed that an earthquake might be occurring, and something had fallen so she stood really still. However, when she did not feel anything moving, she realized that it was not

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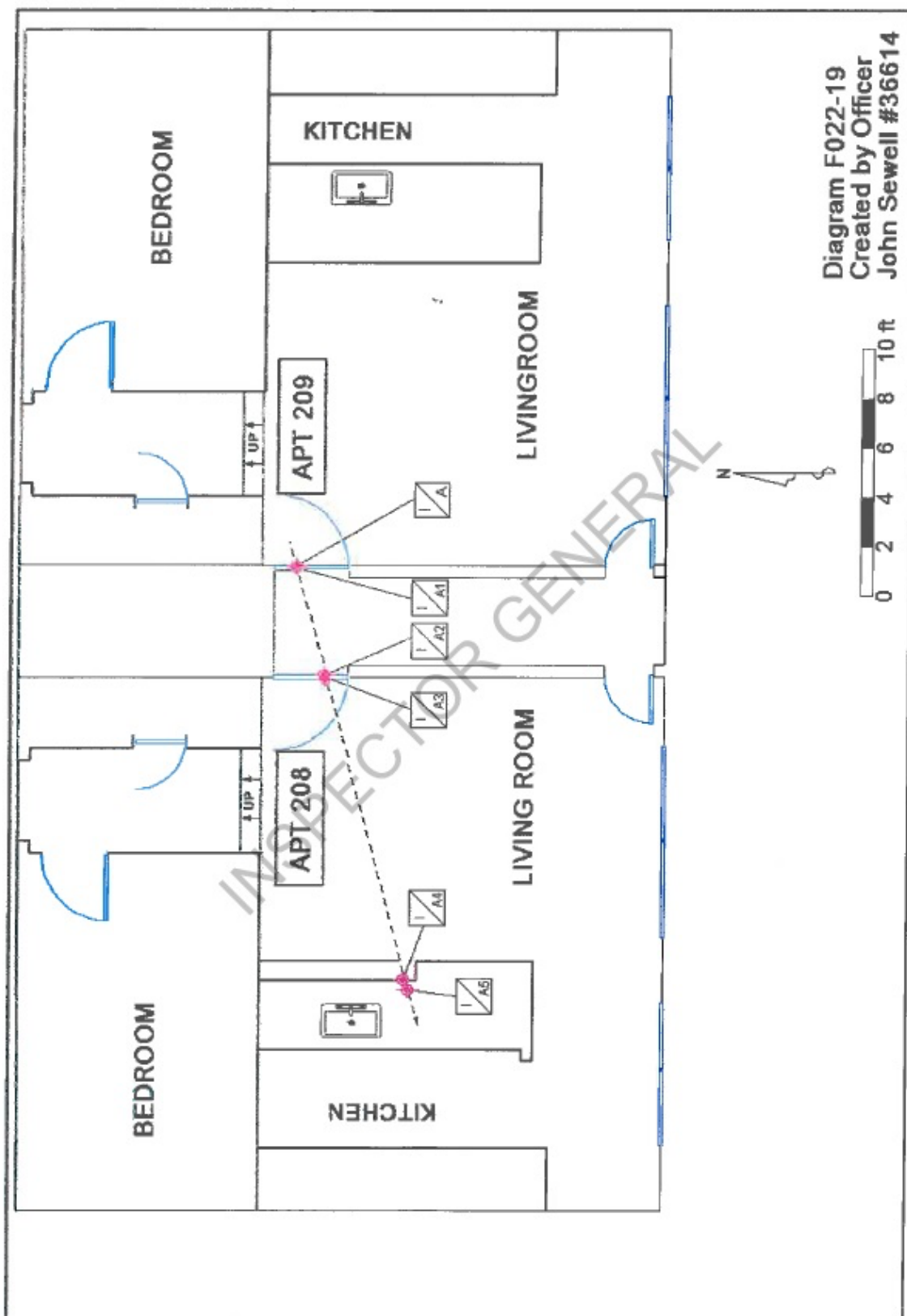
<sup>1</sup> The Incident Summary presented here is reproduced from FID's report regarding this case, and is supplemented with annotations by the OIG. All OIG annotations are referenced as an "OIG Note." All other references and citations in the reproduced FID Incident Summary (e.g., Investigators' Notes or Addenda Items) are reproduced directly from FID's report. Unless otherwise stated, all information provided in OIG annotations is derived from FID's investigation of this incident.

an earthquake. She walked into the living room and noticed debris on the floor. Additionally, she saw the hole in her front door. Upon opening the front door, she saw Hazelton standing there and he explained to her that he was a police officer and his gun had gone off as he was unloading it. Hazelton did not appear intoxicated to Joanne Lee and prior to the gunshot, Joanne Lee had not heard any arguing or unusual noise coming from Hazelton's apartment.

Witness Jude Lee stated that he had been in the back office listening to music and working when he heard a loud bang and Joanne Lee scream. Jude Lee walked into the living room and saw debris pieces of the door on the floor and the hole that was in the door. When the door was open, Hazelton was standing there and began apologizing about the incident. According to Jude Lee, Hazelton did not appear to be intoxicated or in any form of altered state. Additionally, Jude Lee did not hear any loud noises, arguing or fighting prior to the gunshot.

There was no indication that Hazelton was despondent or that the incident was a result of him attempting to harm himself.

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## **Investigators' Notes**

1. Officer Hazelton did not display any objective symptoms of intoxication during this investigation and during his subsequent interview.
2. Captain III Cory Palka, Serial No. 25060, and Sergeant I Brittany Morris, Serial No. 39110, Hollywood Division, responded to the scene of this incident. A Supervisory Assessment Report was completed documenting Sergeant Morris' actions (Addendum No. 11).
3. Sergeant I Kurt Iwasaki, Serial No. 38450, West Valley Area, responded to the scene and obtained a Public Safety Statement from Hazelton. A Supervisory Assessment Report was completed documenting Sergeant Iwasaki's actions (Addendum No. 12).
4. On May 29, 2019, Force Investigation Division personnel conducted a witness canvass at 5207 Zelzah Ave. Only one additional, heard only, witness was located and interviewed.
5. Both Hazelton and Witness Kuem Lee indicated that they are the only two who have access to their residence and there are never any minors inside who would be able to access Hazelton's weapon.

## **CHIEF OF POLICE REPORT<sup>2</sup>**

### **Chief of Police Findings**

- The Chief recommended the following findings in this case:

**Tactics** – Tactical Debrief, Officer Hazelton.

**Drawing/Exhibiting** – Does Not Apply.

**Unintentional Discharge** – Administrative Disapproval, Negligent Discharge, Officer Hazelton.

### **Chief of Police Analysis**

#### **Detention**

- Does not apply.

#### **Tactics**

- *Department policy relative to a Tactical Debrief is: “The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance” (Los Angeles Police Department Manual, Volume 3, Section 792.05).*

Officer Hazelton’s tactics were not a factor in this incident. Therefore, they were not reviewed or evaluated. However, as Department guidelines require personnel who are substantially involved in a Categorical Use of Force incident to attend a Tactical Debrief<sup>3</sup>, the Chief determined that it would be appropriate to recommend a Tactics finding of Tactical Debrief.

During a review of this incident, the following Debriefing Point was noted:

- Firearms Manipulations – Four Basic Firearms Safety Rules.

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<sup>2</sup> The information provided in this section summarizes the analysis and findings set forth in the Chief of Police’s report for this case.

<sup>3</sup> A Tactical Debrief shall be conducted for **all** CUOF incidents within 90 calendar days of the conclusion of the BOPC review process. *LAPD Department Manual, Volume 3, Section 792.15.*

## **Additional Tactical Debrief Topics**

- Tactical De-Escalation

*Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.*

Tactical De-Escalation Techniques

- **Planning**
- **Assessment**
- **Time**
- **Redeployment and/or Containment**
- **Other Resources**
- **Lines of Communication (Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)**

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

In this case, Officer Hazelton was off duty, inside of his residence at the time of this incident and he was not engaged in any tactical operations. Therefore, Officer Hazelton was not evaluated for Tactical De-escalation.

## **Command and Control**

- Command and Control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. Command uses active leadership to establish order, provide stability and structure, set objectives and create conditions under which the function of control can be achieved with minimal risk. Control implements the plan of action while continuously assessing the situation, making necessary adjustments, managing resources, managing the scope of the incident (containment), and evaluating whether existing Department protocols apply to the incident.

Command and Control is a process where designated personnel use active leadership to command others while using available resources to accomplish tasks and minimize risk. Active leadership provides clear, concise, and unambiguous communication to develop and implement a plan, direct personnel and manage resources. The senior officer or any person on scene who has gained sufficient situational awareness shall initiate Command and Control and develop a plan of action. Command and Control will provide direction, help manage resources, and make it possible to achieve the desired outcome. Early considerations of PATROL



will assist with the Command and Control process (Los Angeles Police Department, Training Bulletin, Volume XLVII Issue 4, July 2018).

*Incident Commander (IC) – In accordance with Department Policy, the IC sets the objectives, the strategy and directs the tactical response. Directing the tactical response means applying tactics appropriate to the strategy, assigning the right resources and monitoring performance (Supervisor's Field Operations Guide, Volume 2, LAPD Emergency Operations Guide).*

The investigation revealed that Sergeant Iwasaki responded to the scene of this incident, obtained a PSS from and monitored Officer Hazelton.

The actions of Sergeant Iwasaki were consistent with Department supervisory training and the Chief's expectations of Department supervisors following a critical incident.

### **Tactical Debrief**

- The Chief directed Officer Hazelton to attend a Tactical Debrief that shall include discussions pertaining to the above Debriefing Topics along with the following mandatory topics:
  - Use of Force Policy;
  - Equipment Required/Maintained;
  - Tactical De-escalation;
  - Radio and Tactical Communication (including Code-Six);
  - Tactical De-Escalation;
  - Command and Control; and,
  - Lethal Force.

### **General Training Update (GTU)**

- On June 10, 2019, Officer Hazelton attended a GTU. All mandatory topics were covered, including Firearm Manipulations.

### **Unintentional Discharge**

- *Firearms safety is critical. Officers must have the ability to draw, holster and manipulate weapons safely at all times, especially under stressful conditions. Firearms safety rules have been established based upon real life situations and are applicable at all times. Violations of any of the safety rules will not be tolerated.*

#### **The Four Basic Firearm Safety Rules**

1. *All guns are always loaded.*
2. *Never allow the muzzle to cover anything you are not willing to shoot.*

3. *Keep your finger off the trigger until your sights are aligned on the target and you intend to shoot.*
4. *Be sure of your target.*

*Officers are required to know and apply the Four Basic Firearm Safety Rules throughout their careers. These rules must be ingrained into an officer's natural thought process and become second nature. Any violation of the Four Basic Firearm Safety Rules may result in the unintentional discharge of a round. This is a serious matter with the potential of having tragic results. For administrative purposes, the unintended discharge of a weapon is classified into two categories:*

1. *Accidental discharge: An unintended discharge of a firearm as a result of a mechanical malfunction of the firearm, not involving the shooter.*
2. *Negligent discharge: An unintended discharge of a firearm as a result of a shooter not handling a weapon in a safe manner, violating one or more of the four basic firearm safety rules (Los Angeles Police Department Firearms Manual, July 2015).*

***Administrative Disapproval - Negligent Discharge.*** *Finding where it was determined that the unintentional discharge of a firearm resulted from operator error, such as the violation of a firearm safety rule (Los Angeles Police Department Manual, Volume 3, Section 792.05).*

Officer Hazelton – 9mm pistol, one round in a westerly direction.

Officer Hazelton had returned to his residence from the store with his fiancé. Officer Hazelton removed his holster, which contained his off-duty pistol, from his waistband and set it down on a table next to the front door. Shortly thereafter, Officer Hazelton decided to clean his pistol and picked up the holstered pistol with his left hand. Officer Hazelton pointed the holstered pistol at the front door and with his right hand, he began to remove the pistol from the holster. As he was doing this, his right index finger slipped into the trigger guard and pulled the trigger. This caused the pistol to discharge one round into the front door.

Officer Hazelton recalled, *As I pulled out the holster, or the firearm from the holster, there was an accidental discharge. Possibly a misplacement of the finger on the holster. So as I was pulling, I believe my finger probably fell into the holster, I mean into the trigger guard, and pulled the trigger as I was pulling the firearm out.*<sup>4</sup>

Upon reviewing the evidence, the Chief determined that the NTUD was the result of operator error. Officer Hazelton pressed the trigger of his loaded pistol while attempting to remove the pistol from the holster. Additionally, when Officer Hazelton

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<sup>4</sup> Officer Hazelton, Page 10, Lines 10-16

was attempting to remove the pistol from the holster, he pointed the pistol in an unsafe direction towards the front entry door of his residence. Officer Hazelton's action violated the Department's Basic Firearm Safety Rules, and therefore requires a finding of Administrative Disapproval (AD), Negligent Discharge. The Chief directed that this be a topic of discussion during the Tactical Debrief.

### **Additional/Equipment**

- **Firearms Inventory Tracking System (FITS)** - The investigation revealed that Officer Hazelton's pistol was stippled, which was not documented by a Department Armorer at the time of the incident. On May 28, 2019, the pistol was inspected by a Department Armorer and was determined to be well maintained, in good working order, and was within Department specifications. The stippling on the pistol was inspected, found to be within Department specifications, and was documented in FITS. Captain M. Odle, Serial No. 22369, Commanding Officer, 77th Street Patrol Division, addressed this issue by providing Officer Hazelton with the Uniform & Equipment Committee Notice 1.12, dated October 20, 2017, Stippling of Polymer Framed Firearms, to review. The Commanding Officer of Operations –South Bureau and the Director of the Office of Operations (OO) concurred with this action. As such, the Chief deemed no further action is necessary.

**Note:** Officer Hazelton had transferred to 77<sup>th</sup> Division Patrol Division after this incident, unrelated to the NTUD.

- **Categorical Use of Force Protocols** – The investigation revealed that Officer Hazelton unloaded his pistol immediately following the NTUD. While Officer Hazelton's actions were motivated by a concern for the physical safety of himself and others in the area, he is reminded of the importance of maintaining the integrity of evidence following a critical incident. Captain S. Lurie, Serial No. 33959, Commanding Officer, Hollywood Area, addressed this issue through divisional training which was entered into the Learning Management System. The Commanding Officer of Operations – West Bureau and the Director of OO concurred with these actions. As such, the Chief deemed no further action is necessary.

### **Audio/Video Recordings**

- **Digital In-Car Video System (DICVS)/Body Worn Video (BWV)** – Officer Hazelton was off-duty at the time of the incident. He was not using a vehicle equipped with DICVS nor wearing BWV during this incident.

## **INSPECTOR GENERAL REVIEW**

### **Inspector General Analysis**

#### **Investigation Quality**

- No significant issues of concern were identified in relation to investigation quality.

#### **Training Issues**

- No significant issues of concern were identified in relation to training.

#### **Equipment Issues**

- No significant issues of concern were identified in relation to equipment.

#### **Detention**

- Does not apply.

#### **Tactical De-Escalation**

- Does not apply.

### **Inspector General Recommendations**

#### **Tactics**

- The OIG concurs with the Chief's findings.

#### **Drawing/Exhibiting**

- Does not apply.

#### **Unintentional Discharge**

- The OIG concurs with the Chief's findings.



Mark P. Smith  
Inspector General